

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|---------------------------------|---|-----------------------|
| GOVINDA, LLC |) | |
| d/b/a HAMPTON INN MIDWEST CITY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-20-542-R |
| |) | |
| COLUMBIA INSURANCE GROUP, |) | |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

Columbia Insurance Group (“Columbia”) gives notice to all parties that this action is hereby removed from the District Court of Oklahoma County, Oklahoma to the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. § 1441(b). In support of removal, Columbia would show this Court as follows:

As required by 28 U.S.C. § 1446(a), a copy of the “Petition for Declaratory Judgment” filed in the state court by Plaintiff Govinda, LLC d/b/a Hampton Inn Midwest City on May 27, 2020 is submitted herewith as Exhibit 1. As further required by LCvR81.2(a), a copy of the state court docket sheet is submitted herewith as Exhibit 2. No motions or discovery requests are pending.

Columbia became aware of the “Petition for Declaratory Judgment” shortly after it was filed, but has not yet been formally served. This Notice, being filed by

Columbia within 30 days after notice of suit, is therefore timely pursuant to 28 U.S.C. § 1446(b)(1).

The “Petition for Declaratory Judgment” correctly states that the parties to this lawsuit are completely diverse. [See Exhibit 1, p. 1, ¶¶ 1-2.] Columbia would specifically show this Court that its state of incorporation and principal place of business (headquarters) is Missouri. The Petition further states that the amount in controversy exceeds \$75,000 [Exhibit 1, p. 1, ¶ 3], and that the coverage available under the policy at issue exceeds \$1.6 million [Exhibit 1, p. 2, ¶ 5]. Jurisdiction is therefore proper in this Court pursuant to 28 U.S.C. § 1332(a)(1). Venue is also proper pursuant to 28 U.S.C. § 1391(b)(2), as the events giving rise to this lawsuit occurred in Oklahoma County, in the territory of this Court.

Pursuant to 28 U.S.C. § 1446(d), Columbia affirmatively represents and certifies that a copy of this Notice is also being filed with the Court Clerk of the District Court of Oklahoma County, in order to effect the removal.

By filing this Notice of Removal, Columbia waives its right to those defenses arising under Fed. R. Civ. P. 12(b)(1)-(5). However, Columbia specifically reserves its right to assert any and all other defenses available to it, including but not limited to the right to assert it is not a proper party defendant to this action.

Respectfully submitted,

MILLER & JOHNSON, PLLC

By: /s/ Jami Rhoades Antonisse
Brad Miller, OBA #11437
J. Logan Johnson, OBA #12722
Jami Rhoades Antonisse, OBA #20612
Grace E. Dawkins, OBA #32764
1221 N. Francis Ave., Suite B
Oklahoma City, OK 73106
Telephone: (405) 896-4388
Fax: (405) 609-2995
bmiller@millerandjohnson.com
ljohnson@millerandjohnson.com
jantonisse@millerandjohnson.com
gdawkins@millerandjohnson.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

:I hereby certify that on June 10, 2020, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Reggie N. Whitten, OBA #9576
Michael Burrage, OBA #1350
J. Revell Parrish, OBA #30205
J. Renley Dennis, OBA #33160
WHITTEN BURRAGE
512 N. Broadway Ave., Ste. 300
Oklahoma City, OK 73102
Telephone: (405) 516-7800
Fax: (405) 516-7859
rwhitten@whittenburragelaw.com
mburrage@whittenburragelaw.com
rparrish@whittenburragelaw.com
jdennis@whittenburragelaw.com
Attorneys for Plaintiff

/s/ Jami Rhoades Antonisse

Brad Miller

J. Logan Johnson

Jami Rhoades Antonisse

Grace E. Dawkins